

RESOLUTION NO. _____, SERIES 2009

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD WIDENING PROJECT (PARCEL 53).

SPONSORED BY: Councilwoman Madonna Flood

WHEREAS, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Cooper Chapel Road Widening Project in conjunction with Louisville/Jefferson County Metro Government Department of Public Works; and

WHEREAS, as a part of the Cooper Chapel Road Widening Project, it is necessary to acquire additional Right-of-Way and temporary easements to construct the Cooper Chapel Road Widening Project for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the portion of the Cooper Chapel Road Widening Project Right-of-Way and temporary easement Property described as portions of Parcel 53 in the descriptions attached hereto as Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

Section 1: That in order to complete the Cooper Chapel Road Widening Project, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcels 53D and 53E on the plat map attached hereto as Exhibit B. The property is a portion of the property acquired by Virginia Livers, a/k/a Virginia B. Hayes, by deed dated June 16, 1972, filed of record in Deed Book 4535, Page 284, in the Office of the County Clerk of Jefferson County, Kentucky. Virginia B. Hayes died testate on September 22, 2008, and devised Parcel 53 to her daughter Hattie Lee Sheckles by Will of record in Will Book 504, Page 711 in the Office aforesaid.

Financial Freedom Funding Corporation, a Subsidiary of Indy Mac Bank, F.S.B. may have an interest in the property pursuant to a Mortgage, dated August 10, 2006, filed of record in Mortgage Book 10245, Page 680, in the Office aforesaid.

The Secretary of Housing and Urban Development may have an interest in the property pursuant to a Mortgage, dated August 10, 2006, of record in Mortgage Book 10245, Page 689, in the Office aforesaid.

Since Metro cannot, by agreement with the owner of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

Section 2: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

Section 3: That this Resolution shall become effective upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved _____
Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

By: _____

Condemnation Cooper Chapel Parcel 53 Res.ROC jab,bkn Draft 1

5-8-09